

Patent
Attorney's Docket No. 012712-699

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Mitchell E. REFF et al.) Group Art Unit: 1644
Application No.: 09/292,053) Examiner: M. Dibrino
Filed: April 14, 1999)
For: GAMMA-1 ANTI-HUMAN CD23)
MONOCLONAL ANTIBODIES AND)
USE THEREOF AS THERAPEUTICS)

ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action [Restriction Requirement] mailed May 8, 2000, Applicants elect, for purposes of examination, Group II, Claims 26-37, directed to a method of treatment or prevention of a disease using an anti-CD23 monoclonal antibody. Also, Applicants elect a method of treating allergic disorder, and as the particular antibody, 6G5. The restriction requirement is respectfully traversed in its entirety. Essentially, Applicants respectfully submit that the search required for Group II which is directed to a method for using antibodies containing human constant domains would naturally overlap with the search for Group I directed to such antibodies and pharmaceutical compositions comprising such antibody.

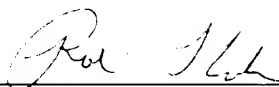
Also, the restriction requirement is particularly traversed as it pertains to the election of species requirements set forth at Page 3 of the Office Action. Essentially, Applicants respectfully submit that the invention is generic in nature, and that there should be no need to restrict the claims to any particular anti-CD23 antibody. Indeed, in an earlier

parent application which now stands allowed, no such requirement was made. Also, Applicants respectfully submit that upon a determination that treatment of allergic disorders is not fairly suggested by the prior art, especially based on the unexpected results of the subject antibodies, that the search should be extended to the other treatment methods, i.e., autoimmune and inflammatory disease treatments. It is believed that this is in complete response to the outstanding restriction requirement.

If the Examiner has any questions relating to this application, he is respectfully requested to contact the undersigned so that prosecution may be expedited.

Respectfully submitted,

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